

Comment from Peter Strauss (strauss@law.columbia.edu)

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I remain concerned that agencies (and others) will find this recommendation susceptible of application to the kinds of documents Judge Leventhal excluded from consideration for review in *National Automatic Laundry and Cleaning Council v. Shultz*, 443 F.2d 689 (D.C.Cir. 1971) -- 750,000 annual letter rulings on wage and hour matters not carrying the Administrator's signature (ditto Customs letter rulings of the type discussed in *United States v. Mead Corp.* I'd like, then, to suggest as an amendment to fn. 1, replacement of the words "This Recommendation is addressed, at a minimum,," beginning its second sentence, "This Recommendation is addressed to seriously considered documents generated by agency leadership, including relevant bureaus, in the expectation of shaping staff behaviors and/or public expectations, and is addressed, at a minimum"